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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,803

04/18/2005

Thomas McGee

102792-129 (30056 US/3)

3621

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EXAMINER

KUMAR, PREETI

ART UNIT

PAPER NUMBER

1751

MAIL DATE

DELIVERY MODE

06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,803	Applicant(s) MCGEE ET AL.	
	Examiner Preeti Kumar	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/05;4/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-Final Rejection

1. Claims 1, 2, 11-27 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16 and 17 recite limitation to adamantane. Applicants specification at at least [0015] provides support for 2 sublimable substances, namely, adamantane and cyclododecane. Review for what patent protection is being sought is necessary.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 2, 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwayama et al. (US 4,382,11) in view of Sato et al. (US 4,233,161).

Kuwayama et al. teach a method of treating fibers such as yarn applying a sublimable lubricating substance to said fibers in an amount sufficient to impart lubricity, water repellency, and/or oil repellency to said fibers. The preferred sublimable compounds are endo-trimethylenenorbornane, trimethylnorbornane, cyclododecane, adamantane and camphor. The invention also includes novel yarns containing an effective amount of a sublimable lubricating substance. See abstract and table 1.

Kuwayama et al. teach that the sublimable lubricating substance is applied by contact treatment, a touch roll method and by heating or treating under reduced pressure to uniformly deposit the evaporated sublimable substance onto the yarn. The temperature and the pressure for use can be suitable determined depending on the type of the sublimable substance and yarns used. See col.5-6,ln.35-50.

Kuwayama et al. do not specifically teach the utility of a drier to deliver the sublimable substance. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to arrive at a textile treatment delivery system wherein the sublimable substance is delivered by heating in a drier since the prior art teaching of Kuwayama et al. teach deposition of a sublimable substance by placement in an appropriate pot or evaporation chamber with subjection to heat which teaching encompasses the broad scope of the claimed dryer. See col.7, 1-5.

Kuwayama et al. do not specifically teach the delivery system comprising a fragrance in a sublimable carrier substance as required by the instant claim 1. However, Kuwayama et al. teach the delivery of fluoropolymers in a sublimable carrier substance to impart excellent water repellent and oil repellent properties. See col.7,ln.30-col.8,ln.10.

Sato et al. teach a sublimable composition comprising sublimable hydrocarbons and sublimable polar compounds, which is useful as a carrier for perfume. See abstract. Specifically, Sato et al. teach sublimable hydrocarbons include adamantane and cyclododecane. See col.2,ln.15-21.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings composition of Kuwayama et al. with a fragrance in a sublimable carrier, as recited by the instant claims, because Sato et al. teach that adamantane and cyclododecane sublimable compositions are useful as a carrier for perfume and Kuwayama et al. teach the analogous adamantane and cyclododecane sublimable substances for application to textile. One of ordinary skill in the art would be motivated to combine the teachings of Kuwayama et al. with that of Sato et al. since both references teach the analogous sublimable substances.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F

Art Unit: 1751

9:00am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Preeti Kumar
Examiner
Art Unit 1751

PK


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

1751